

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

The parties to this wage and hour purported class action propose to settle this action and an accompanying state court action for \$8,125,000 less up to \$3,046,250 in attorney fees, costs of suit and administration and class representative incentive awards. Absent from the submissions in support of the proposed settlement are: (1) substantiation that would permit the court to perform a lodestar cross-check of the claimed attorney fees; see In Re HPL Technologies, Inc., Securities Litigation, 366 F Supp 2d 912 (ND Cal 2005)(Walker, J); and (2) terms of the option to terminate the settlement pursuant to the parties' separate agreement; see Stipulation, Doc #49, Exh A at ¶13(f) and In Re Chiron, Inc.

1 Securities Litigation, 2007 US Dist LEXIS 91140 at *26-*30 (ND Cal
2 2007)(Walker, J).

3 The parties are DIRECTED to submit the foregoing
4 information not later than noon, May 5, 2008.

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6 IT IS SO ORDERED.

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9 VAUGHN R WALKER
10 United States District Chief Judge